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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,576	03/08/2000	Roland Vincent St. John Killick	03628-0450	1427
29052	7590	09/23/2005	EXAMINER	
SUTHERLAND ASBILL & BRENNAN LLP			DURAN, ARTHUR D	
999 PEACHTREE STREET, N.E.			ART UNIT	
ATLANTA, GA 30309			PAPER NUMBER	

3622

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

09/520,576

Applicant(s)

ST. JOHN KILLICK, ROLAND
VINCENT

Examiner

Arthur Duran

Art Unit

3622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 21 March 2005 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The amendment filed under 41.33(b) on March 21, 2005 is Not entered because the Amendment would make the Appeal Brief defective because the "Status of Claims", "Grounds of Rejection to be Reviewed on Appeal" and "Argument" sections still reflect that both sets of claims 53 and 54 are pending. A new Appendix to the Appeal Brief which contains a correct copy of the claims involved in the appeal is also needed.

Arthur Duran